



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 553 OF 2026

Abhishek S/o Ashok Dhas,
Age : 25 Years, Occu. : Business,
R/o Yashwant Nagar, Court Road,
Paithan, Tq. Paithan,
Dist. Chhatrapati Sambhajnagar. .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Tukaram M. Venjane, Advocate for the Applicant.
Shri G. O. Wattamwar, A.P.P. for the Respondent – State.
Shri Rahul G. Joshi, Advocate through V.C. a/w Shri Azhar Baig,
Advocate for the Applicant – Intervenor.

**WITH
CRIMINAL APPLICATION NO. 1774 OF 2026
IN
BAIL APPLICATION NO. 553 OF 2026**

Aarti Bhausahab Pise .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Rahul G. Joshi, Advocate through V.C. a/w Shir Azhar Baig,
Advocate for the Applicant.
Shri G. O. Wattamwar, A.P.P. for the Respondent No. 1.
Shri Tukaram M. Venjane, Advocate for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 05TH MAY, 2026.**

FINAL ORDER :

. Heard both sides.

2. For the reasons stated in Criminal Application No. 1744 of 2026 filed by the informant for intervention – assist to P. P. is allowed and disposed of.

3. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 353/2025 registered with Paithan Police Station, Tq. Paithan, Dist. Chhatrapati Sambhajnagar for the offences punishable U/Sec. 105, 106(1), 281, 125(a), 125(b), 110 of the Bhartiya Nyaya Sanhita, 2023 (for the sake of brevity and convenience hereinafter referred as to the “B. N. S.”) and U/Sec. 134, 146, 184, 185 and 187 of the Motor Vehicles Act, 1989. He was arrested on 17.12.2025. The charge sheet is filed on 27.01.2026.

4. The incident of rash and negligent driving was reported to the police in which two persons namely Bhausahab Vitthalrao Pise and Sambhaji Baburao Kardile lost their lives being knocked down by the offending car driven by the applicant. It is alleged that on 03.10.2025, the deceased were on the two wheeler and they were knocked down by the speeding car driven by the applicant. The informant is stated to have witnessed the incident from the galary of her house. She and other persons rushed to the spot, whereat both the persons were found severely injured. Leg from the left knee was dismembered. Both of them succumbed to the injuries. The applicant and his friends are alleged to have fled away from the spot instead of helping the injured. The car is alleged to have been driven with a speed in a

crowded place. It is further alleged that the applicant video graphed the speedometer and his speeding car and posted on social media platform.

5. Learned counsel Mr. Venjane appearing for the applicant submits that applicant is 24 years old person. He is falsely implicated in the offence. The deceased had consumed liquor and unmindful of the moving vehicle while crossing the road. Contributory negligence is attributed to them. The offending car is stated to be at moderate speed. No offence is made out U/Sec. 105 of the B. N. S. The videography is made by Deepak Gawali inmate of the car, who shared it through snapchat. The statements of the witnesses are unreliable.

6. Learned A. P. P. submits that the statements of the inmates of the car namely Prajwal Khandekar, Deepak Gawali and Shubham Shinde would attribute incriminating overt act to the applicant. No alcohol is detected in the postmortem of both the persons. The transcript of CCTV footage would show involvement of the applicant. The independent witnesses Pramod Tambe and Dnyaneshwar Nawale corroborated the prosecution theory.

7. Additionally, learned counsel representing the intervenor would submit about the conduct of the applicant. The overt act is done with an intention of causing death and there was knowledge. The punishment of ten years is prescribed.

8. The first information report is lodged by the daughter of one of the deceased Bhausahab Pise. She witnessed the incident from the balcony of her house. She has seen the knocking down of deceased persons by rashly and negligently driven car. The statements of the witnesses would disclose that it was being driven by the applicant and Prajwal, Deepak and Shubham were in the car.

9. The statements of inmates of the car would consistently show that applicant was driving the car and simultaneously recording a video of speedometer. The car was being run at the speed of 70 to 80 KMPH. He was being warned by them to be slow. The applicant is stated to have been fled away from the place of incident. These persons are the friends of the applicant. There is no reason for them to falsely implicate him.

10. The statements of the independent witnesses Pramod Tambe and Dnyaneshwar Nawale also disclose that applicant was driving car in crowded place rashly and negligently and the motorcycle was knocked down by it. Applicant and his friends are stated to have run away. There is no reason for these witnesses to implicate the applicant falsely.

11. The CCTV footage of the camera is recovered during the investigation. The applicant is identified by the witness Pramod Tambe. The car is seen moving with huge speed. It further

revealed from the footage that applicant is seen running from the spot. The video recovered from the snapchat would indicate that it was being recorded in a moving car showing speedometer. Incriminating material is available against the applicant. He was rash and negligent and place was crowded. The knowledge can be attributable to him.

12. The postmortem report of both persons do not show consumption of alcohol. The theory of contributory negligence needs to be gone into during the course of trial. The conduct of the applicant is objectionable. Instead of helping the injured he ran away from the place. Such an offence is covered by the provisions of Section 106(2) of the B. N. S. The maximum punishment prescribed is of ten years.

13. Considering the overall circumstances and material on record, the applicant is involved in an offence for which punishment of ten years is prescribed. It would be matter of trial to examine as to the offence falls U/Sec. 105 or 106 of the B. N. S. is made. The reckless act of the applicant has caused two lives. I find no reason to enlarge the applicant on bail.

14. Bail application is rejected.

[SHAILESH P. BRAHME J.]